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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,033	12/11/2003	Roger C. Jests JR.	POU920020134US1	8718
7590 Floyd A. Gonzalez IBM Corporation 2455 South Road, P386 Poughkeepsie, NY 12601			EXAMINER KANG, SUK JIN	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 09/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,033

Applicant(s)

JESTES, ROGER C.

Examiner

Suk Jin Kang

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/11/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement submitted on December 11, 2003 has been considered by the Examiner and made of record in the application.

Drawings

2. The drawings are objected to because of minor informalities. In Figure 8, "forth global" should be replaced with --fourth global--. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because of the following informalities: on line 2 of the abstract, replace "in" with --an-- before "input". Correction is required. See MPEP § 608.01(b).

Claim Objections

4. **Claims 1 and 6** are objected to because of the following informalities: on line 3 of claims 1 and 6, replace "in" with --an-- before "input". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 6, 4, and 9** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "said management circuit" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Consider claims 4 and 9, the text, in lines 1-2 and 3, is ambiguous because it is not clear what is meant by "...when in a certain state..." and "...interrogates [interrogating] the state..."

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-3, 5, 6-8, and 10** are rejected under 35 U.S.C. 102(b) as being anticipated by Bartow et al. (U.S. Patent # 5,455,831).

Consider **claims 1 and 6**, Bartow et al. discloses a method and an apparatus for communicating global link control words (LCW) between chips, said method and apparatus comprising: a queue (568, FIFO, figure 5) for storing an LCW (202, figure 3), said queue having in input for receiving an LCW from a previous chip, and an output for outputting a stored LCW to a subsequent chip (figure 5, column 8 lines 7-12 and 17-37); a management circuit (562, figure 5) for comparing an incoming LCW with a previously stored LCW (810, figure 8, column 8 lines 30-37 and 55-60); and a combiner circuit (598, figure 5) for combining the incoming LCW with a previously stored LCW and storing the combined LCW in said queue when said management circuit determines that the incoming LCW can be combined with the previously stored LCW (column 8 lines 33-37 and 42-46).

Consider **claims 2 and 7**, and as applied to claims 1 and 6, respectively, Bartow et al. discloses the method and apparatus wherein said queue has multiple elements (568, figure 5, column 8 lines 7-12), and said combiner circuit stores said incoming LCW

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in a separate queue element when said management circuit determines the incoming LCW cannot be combined with the previously stored LCW (column 8 lines 55-62).

Consider **claims 3 and 8**, and as applied to claims 1 and 6, respectively, Bartow et al. discloses the method and apparatus wherein each LCW comprises bits and said combiner circuit comprises an OR circuit (598, figure 5) for combining the bits of said incoming LCW with the bits of said previously stored LCW (column 8 lines 33-37 and 42-46).

Consider **claims 5 and 10**, and as applied to claims 3 and 8, respectively, Bartow et al. discloses the method and apparatus wherein at least two selected bits of said LCWs have an Exclusive OR relationship wherein either of the bits may be on, but not both, and said management circuit controls the combiner circuit such that two LCWs will not be combined if the Exclusive OR relationship is violated (column 7 lines 55-61, column 8 lines 62-67).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. **Claims 4 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartow et al. (U.S. Patent # 5,455,831) in view of Gregg et al. (U.S. Patent # 5,610,945).

Consider **claims 4 and 9**, and as applied to claims 3 and 8, respectively, Bartow et al. discloses the claimed invention, but may not expressly disclose the method and apparatus wherein a selected bit of each LCW, when in a certain state, indicates that the LCW cannot be combined with another LCW, and said management circuit interrogates the state of said selected bit of said incoming LCW.

However, in the same field of endeavor, Gregg et al. discloses the method and apparatus wherein a selected bit (508, START bit, figure 5) of each LCW, when in a certain state (column 14 lines 1-34), indicates that the LCW cannot be combined with another LCW, and said management circuit interrogates the state of said selected bit of said incoming LCW (column 13 lines 55-67, column 15 lines 62-67, column 16 lines 1-7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a selected bit in a certain state as taught by Gregg et al. with the method and apparatus as disclosed by Bartow et al. for the purpose of improving management of logical control words in a queue.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.
12. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Suk Jin Kang whose telephone number is (571) 270-1771. The examiner can normally be reached on Monday - Friday 8:00-5:00 EST.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Suk Jin Kang
S.J.K./sjk

August 22, 2007



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600